



The Commonwealth of Massachusetts

DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY

January 27, 2005

D.T.E. 04-121

Investigation by the Department of Telecommunications and Energy, pursuant to Executive Order 384, commencing a rulemaking pursuant to 220 C.M.R. § 2.00 et seq., and for the purpose of amending 220 C.M.R. § 7.00 et seq., Residential and Commercial Energy Conservation Service Program Cost Recovery, 220 C.M.R. § 11.00 et seq., Rules Governing Restructuring of the Electric Industry, 220 C.M.R. § 13.00 et seq., Consumer Protection From the Unauthorized Changing of Local or Long Distance Telephone Service Providers, 220 C.M.R. § 14.00 et seq., The Unbundling of Services Related To The Provision of Natural Gas, 220 C.M.R. § 25.00 et seq., Billing and Termination Procedures of the Department of Telecommunications and Energy, and 220 C.M.R. § 45.00 et seq., Pole Attachment, Duct, Conduit And Right-of-Way Complaint and Enforcement Procedures.

ORDER INSTITUTING RULEMAKING

I. INTRODUCTION

Pursuant to Executive Order No. 384, the Department of Telecommunications and Energy (“Department”) opens a rulemaking for the purpose of amending regulations 220 C.M.R. § 7.00 et seq., Residential and Commercial Energy Conservation Service Program Cost Recovery, 220 C.M.R. § 11.00 et seq., Rules Governing Restructuring of the Electric Industry, 220 C.M.R. § 13.00 et seq., Consumer Protection From the Unauthorized Changing of Local or Long Distance Telephone Service Providers, 220 C.M.R. § 14.00 et seq., The Unbundling of Services Related To The Provision of Natural Gas, 220 C.M.R. § 25.00 et seq., Billing and Termination Procedures of the Department of Telecommunications and Energy, and 220 C.M.R. § 45.00 et seq., Pole Attachment, Duct, Conduit And Right-of-Way Complaint and Enforcement Procedures. The proposed amendments would make technical corrections, correct typographical errors and replace outdated information. The Department seeks comment on the proposed revisions to the regulations.

II. PROPOSED REGULATIONS

Pursuant to G.L. c. 25, § 5C; G.L. c. 159, § 16; G.L. c. 164, § 76C; G.L. c. 165, § 1B; and G.L. c. 166, § 15E(d), the Department may establish regulations necessary for the administration of such statutes. The Department proposes corrective revisions to the following regulations: 220 C.M.R. § 7.00 et seq., 220 C.M.R. § 11.00 et seq., 220 C.M.R. § 13.00 et seq., 220 C.M.R. § 14.00 et seq., 220 C.M.R. § 25.00 et seq.,

and 220 C.M.R. § 45.00 et seq. A copy of the current regulations incorporating the proposed revisions is attached. The effective date of the revised regulations shall be the date of final publication in the Massachusetts Register.

III. SOLICITATION OF COMMENTS

The Department seeks initial written comments on the proposed revisions no later than 5:00 p.m. on March 18, 2005. Written comments will be limited in length to a maximum of ten one-sided, double-spaced typewritten pages. Comments should be filed with Mary L. Cottrell, Secretary, Department of Telecommunications and Energy, One South Station, 2nd Floor, Boston, Massachusetts 02110.

All written documents should also be submitted to the Department in electronic format using one of the following methods: (1) by e-mail attachment to dte.efiling@state.ma.us and to elizabeth.cellucci@state.ma.us; or (2) on a 3.5" disk, IBM-compatible format. The text of the e-mail or the disk label must specify: (1) the docket number of the proceeding (D.T.E. 04-121), (2) name of the person or company submitting the filing, and (3) a brief descriptive title of the document. The electronic filing should also include the name, title and phone number of a person to contact in the event of questions about the filing. Text responses should be created in either Corel WordPerfect, Microsoft Word, or as an Adobe-compatible PDF file. Data or spreadsheet responses should be compatible with Microsoft Excel. Documents submitted in electronic format will be posted on the Department's Website, <http://www.mass.gov/dte>.

To provide further opportunity for comment, and pursuant to G.L. c. 30A, §§ 2 and 4, and 220 C.M.R. § 2.05, the Department will hold a public hearing on Tuesday, March 22, 2005 at 10:00 a.m., at the Department's offices, One South Station, Boston, Massachusetts. Interested persons may present facts, opinions, or arguments relating to the proposed revisions to the regulations at the public hearing.

By Order of the Department,

...../s/.....
Paul G. Afonso, Chairman

...../s/.....
James Connelly, Commissioner

...../s/.....
W. Robert Keating, Commissioner

...../s/.....
Judith F. Judson, Commissioner

...../s/.....
Brian Paul Golden, Commissioner